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PTO/SB/21 (09-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/787,009

Filing Date February 25, 2004

First Named Inventor Ljubomir FRANCUSKI et al.

Art Unit 2627

Examiner Name Heinz, Allen

Attorney Docket Number 057517/0041

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☒ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify
below):Copy of 11/14/06 Response; Copy of
Proposed Language from Examiner; Copy of
Applicant's Proposed Changes to Examiner's
Proposed Language; postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

SCHULTE ROTH & ZABEL, LLP

Signature

Printed name

John C. Gardes

Date

February 9, 2007

Reg. No.

40,616

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Roxanne Garcia

Date

February 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/787,009
Applicant : Ljubomir FRANCUSKI et al.
Filed : February 25, 2004
Art Unit : 2627
Examiner : Heinz, Allen J.
Title : SPINDLE MOTOR WITH A WELDED
DISC CLAMP CENTERING TUBE

Confirmation No. 3942

Docket No. : 057517/0041
Customer No. : 29619

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANCE
DATED JANUARY 9, 2007

Sir:

This paper is in response to the Notice of Non-Compliance dated January 9, 2007, on which the shortened statutory period for response expires on February 9, 2007. Accordingly, this response is timely filed.

In response to the Notice of Non-Compliance dated January 9, 2007, Applicants resubmit their response dated November 14, 2006, in its entirety (copy attached).

By way of background, Examiner Heinz contacted Applicants' counsel to propose amended claim language to place the application in condition for allowance. A copy of the proposed language received from Examiner Heinz is attached.

After receiving the Examiner's proposed claim language, and following a telephone conference between Examiner Heinz and Applicants' counsel, Applicants' counsel faxed to Examiner Heinz, at his request, Applicants' proposed changes to Examiner's proposed language. (Copy attached.)

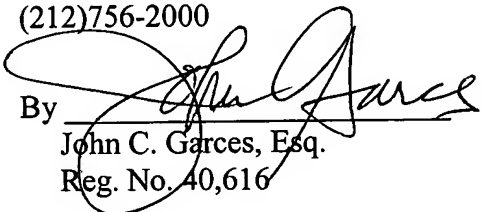
Applicant's counsel understands that the Office incorrectly treated Applicants' informal comments to Examiner's proposed claim language as a formal response. As a result, the Patent Office issued the January 9, 2007 Notice of Non-Compliant Amendment. In response, Applicants withdraw their prior informal communication with Examiner Heinz and stand on their November 14, 2006 Response, which is attached.

Any subsequent action by the Examiner should be based on that Response.

The Examiner is urged to telephone Applicants' undersigned counsel if it will advance the prosecution of this application. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 057517/0041. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicants
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(212)756-2000

By 
John C. Garces, Esq.
Reg. No. 40,616

Dated: February 9, 2007
New York, New York

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name: Roxanne Garcia

Signature: 

Dated: February 9, 2007